

Message Text

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ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 AF-04 ARA-06 EA-06 NEA-06 RSC-01

CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00

INRE-00 OIC-02 /083 W

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FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 8262

INFO AMEMBASSY LONDON IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY MOSCOW IMMEDIATE

C O N F I E E N T I A L USUN 5770

E.O. 11652: GDS

TAGS: UNGA, PFOR

SUBJ: CHARTER REVIEW

SUMMARY: AFRICANS CLEARLY UNITING AT LAST MINUTE BEHIND PROPOSAL TO ESTABLISH COMMITTEE TO REVIEW CHARTER. IT CONSEQUENTLY LIKELY COMMITTEE WILL BE ESTABLISHED. US, UK, FRENCH, SOVIET DELOFFS MET DISCUSS WHETHER REQUEST AUTHORITY ANNOUNCE BEFORE VOTE IN COMMITTEE THAT WE WOULD NOT PARTICIPATE IN ANY COMMITTEE. THIS MIGHT HAVE SHOCK VALUE AND MIGHT CHANGE OUTCOME. WE ALL DECIDED ON BALANCE NOT TO REQUEST AUTHORITY TO REFUSE TO PARTICIPATE IN AD HOC COMMITTEE. MALIK (USSR) SUBSEQUENTLY OVERRULED HIS LEGAL PEOPLE AND NOW WANTS REFUSE TO SERVE.

1. IT BECAME CLEAR IN COURSE OF DEBATE IN COMMITTEE 6 THAT ALL SUB-SAHARAN AFRICANS PLUS ALGERIA WILL VOTE IN FAVOR OF ESTABLISHMENT OF AD HOC COMMITTEE TO REVIEW CHARTER AND AGAINST ANY MOTION TO OBTAIN PRIORITY FOR COMPROMISE TEXT WHICH WOULD DEFER ISSUE TO NEXT YEAR.

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2. NJENGA (KENYA) TOOK VERY HARD LINE IN FAVOR CHARTER

REVIEW STRESSING TRIPLE VETO RE SOUTH AFRICAN EXPULSION AS HIS RALLYING CRY. HE ALSO GAVE ROMULO TYPE REASONS FOR REVIEW -- NUMBER OF NEW MEMBERS, ART 109 PROVIDES FOR IT, MANY ARTICLES SUCH AS 53 AND 107 CLEARLY OUT OF DATE, ETC. ALL OTHER AFRICANS WHO HAVE SPOKEN HAVE IMPLICITLY OR EXPLICITLY REFLECTED LIKE APPROACH. GHANA, UPPER VOLTA AND NIGERIA, WHICH HAD SHOWED SOME SYMPATHY FOR DELAY, HAVE NOW DECLARED THEMSELVES IN FAVOR OF ESTABLISHING COMMITTEE NOW.

3. THIS AFRICAN SWING HAS DEVELOPED IN SPITE OF STRONG INDIAN, SAUDI ARABIAN, AND IRAQI SPEECHES AGAINST REVIEW AND ONLY SLIGHTLY LESS STRONG YUGOSLAV SPEECH TO SAME EFFECT AND CLEAR GENERAL ARAB DESIRE POSTPONE ISSUE.

4. FRENCH COMMITTEE 6 REP (JEANNEL) REQUESTED US CONVENE MEETING OF US, UK, FRANCE AND USSR DELS TO DISCUSS TACTICS.

5. AT MEETING, WHICH TOOK PLACE EVENING DEC 5, JEANNEL LED OFF BY STATING HE BELIEVED THERE WERE MORE THAN SIXTY VOTES IN FAVOR OF ESTABLISHMENT OF COMMITTEE AND AGAINST MOVE TO OBTAIN PRIORITY FOR COMPROMISE WHICH COULD POSTPONE ISSUE. HE BASED THIS ON SUB-SAHARAN AFRICANS, PLUS ALGERIA, VIRTUALLY ALL OF LAS, AT LEAST FIVE ASIANS PLUS AUSTRALIA, ITALY AND SPAIN. COMMENT: NO ONE DISAGREED WITH THIS ESTIMATE AND WE BELIEVE IT ACCURATE. END COMMENT.

6. JEANNEL THEN STATED THAT HE BELIEVED WE MIGHT BE ABLE CHANGE THIS IF FRANCE, UK, US, USSR ALL ANNOUNCED WE WOULD NOT PARTICIPATE IN ANY COMMITTEE THAT MIGHT BE SET UP. HE SAID THAT TO BE EFFECTIVE SUCH AN ANNOUNCEMENT WOULD HAVE TO BE MADE BEFORE FIRST PROCEDURAL VOTE AND THUS WE WOULD HAVE TO BE IN A POSITION TO MAKE SUCH AN ANNOUNCEMENT BY EARLY PM DEC 6 AT THE LATEST.

7. DURING THE DISCUSSION OF THIS POSSIBILITY, KOLESNIK (USSR) AND JEANNEL (FRANCE) INITIALLY INCLINED TOWARD SEEKING SUCH AUTHORITY. KOKESNIK'S MAIN REASON WAS WE SHOULD LEAVE NO STONE UNTRUENED, JEANNEL'S WAS THAT "AT SOME POINT IN THIS PROCESS WE SHALL HAVE TO SAY NO SO WHY NOT DO SO NOW
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WHEN IT MIGHT TURN OUT TO BELEAST PAINFUL." STEEL (UK) SAID HE PERSONALLY INCLINED AGAINST SUCH A MOVE BECAUSE HE DOUBTED IT WOULD CHANGE THE OUTCOME, DISLIKED SUCH MOVES, DOUBTED LONDON WOULD AUTHORIZE SUCH A MOVE ON SHORT NOTICE.

8. MAIN ARGUMENTS WHICH ADDUCED IN FAVOR SUCH A MOVE WERE:
(A) THAT EGYPTIAN DEL HAD TOLD JEANNEL THAT BASED ON EGYPTIAN CONTACTS THEY THOUGHT SUCH A MOVE MIGHT CHANGE RESULT

(B) THAT SINCE WE WOULD HAVE TO SAY NO AT SOME POINT WE SHOULD DO SO NOW (C) THERE WAS A GENERAL NEED IN UN FOR "FOUR PERMANENT MEMBERS" TO ASSERT THEMSELVES (D) MERE THREATS NOT TO PARTICIPATE WOULD DO NO GOOD.

9. ARGUMENTS CONTRA WERE: (A) WE HAD NO ASSURANCE SUCH A MOVE WOULD WORK AND IF WE ANNOUNCED REFUSAL TO PARTICIPATE AND COMMITTEE ESTABLISHED ANYWAY WE WOULD TAKE A FAR MORE SERIOUS DEFEAT WITH WORSE LONG RANGE CONSEQUENCES (B) NEGATIVE REACTION TO SUCH A MOVE COULD EVEN ENHANCE CERTAINTY THAT COMMITTEE WILL BE ESTABLISHED (C) MAIN DANGER OF ESTABLISHMENT OF COMMITTEE NOT AMENDMENTS WE DO NOT LIKE SINCE WE HAVE POWER TO BLOCK THEM BY REFUSAL TO RATIFY BUT DANGER EXERCISE WILL DEVELOP INTO CONFRONTATION BETWEEN GREAT MAJORITY OF MEMBERSHIP ON ONE HAND AND FOUR PERMANENT MEMBERS ON OTHER AND IF WE REFUSED SERVE ON COMMITTEE WE WOULD ONLY PRECIPITATE THIS DEVELOPMENT AND END UP WORSE OFF (D) UNLIKELIHOOD THAT UK, FRANCE AND POSSIBLY OURSELVES COULD GET INSTRUCTIONS TO TAKE SUCH A SERIOUS STEP ON SHORT NOTICE (E) LIKELIHOOD WE WOULD ACCOMPLISH ONLY ONE YEAR DEFERRAL BY THIS MOVE AND HAVE TO FACE PROBLEM AGAIN NEXT YEAR.

10. CONCLUSION OF GROUP WAS THAT WE WOULD NOT REPEAT NOT SEEK INSTRUCTIONS ON SUCH A MOVE FOR EASONS SET FORTH PARA 9 BUT REPORT DISCUSSION FULLY TO CAPITALS.

11. GROUP THEN DISCUSSED WHETHER WE SHOULD SERVE ON COMMITTEE. SITUATION IS THAT IF COMMITTEE ESTABLISHED GA PRESIDENT IS ASKED BY THE RESOLUTION TO APPOINT MEMBERS AND WE WILL HAVE TO DECIDE IN NEXT FEW DAYS IN ANY EVENT. JEANNEL SAID HE PERSONALLY HAD FEELING FRANCE WOULD INCLINE TOWARD NOT SERVING ON COMMITTEE IF US, UK, USSR WOULD JOIN IN SUCH A MOVE. STEELE SAID HE DOUBTED LONDON WOULD DECLINE
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TO SERVE UNLESS OTHER THREE CLEARLY DECIDED SUCH A MOVE DESIRABLE. KOLESNIK AND DELOFF DECLINED TO SPECULATE ON LIKELY INSTRUCTIONS.

12. SINCE DECISION DISCUSSED PARA 11 NEED NOT BE TAKEN UNTIL EARLY NEXT WEEK, WE WOULD WISH CONSIDER MATTER HIGHEST LEVEL HERE BEFORE MAKING RECOMMENDATION TO DEPT.

13. AFTER THIS REPORT SUBSTANTIALLY COMPLETED, KOLESNIK (USSR) TELEPHONED TO SAY AMB MALIK HAD DECIDED NON-PARTICIPATION WAS A GOOD IDEA AND WAS REQUESTING AUTHORITY FROM MOSCOW TO SO STATE TOMORROW. DELOFF SPOKE WITH STEELE WHO SAID HE WOULD REPORT THIS BUT STILL PLANNED RECOMMEND LONDON THAT UK NOT JOIN IN SUCH A MOVE. DEPT'S VIEWS REQUESTED ASAP.

14. COMMENT: THE ONE BRIGHT SPOT IN ALL THIS IS THE DEGREE OF COOPERATION THAT HAS DEVELOPED BETWEEN US, UK, FRENCH AND SOVIET DELOFFS IN LEGAL COMMITTEE. WE HAVE HAD SEVERAL MEETINGS OF THIS GROUP AT USUN ON VARIOUS TOPICS AND THEY HAVE BEEN CHARACTERIZED BY A DEGREE OF COOPERATION WITH FRENCH AND SOVIETS WHICH ALMOST APPROACHES THAT WE HAVE ALWAYS ENJOYED WITH UK. OBVIOUSLY THIS COOPERATION WILL BE VITAL AND MUST BE NURTURED IF WE ACTUALLY END UP WITH A COMMITTEE DISCUSSING THE CHARTER. END COMMENT.
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